

NEXUS BANKRUPTCY

BENJAMIN HESTON (297798)

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Attorney for Debtor

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION

In re:

PATRICIA ANN DOUBLET,

Debtor.

Case No: 6:23-bk-14082-WJ

Chapter 13

**DECLARATION OF BENJAMIN
HESTON IN SUPPORT OF
CONFIRMATION OF CHAPTER 13
PLAN**

Confirmation Hearing:

Date: June 10, 2024

Time: 11:00 AM

**Location: 3420 Twelfth Street
Riverside, CA 92501**

I, Benjamin Heston, declare as follows:

1. I have personal knowledge of all matters stated herein. On all matters stated on information and belief, I believe those allegations to be true. I could competently testify to the allegations contained herein.
2. I have represented Ms. Doublet in all of her bankruptcy cases.
3. Her first bankruptcy case that was filed in January of 2020 was dismissed at the confirmation hearing that was held on the same day as the 341(a) hearing due to a few clerical errors and an omitted creditor.

- 1 4. In her second bankruptcy case that was filed in January 2021, the Chapter 13
2 Trustee indicated at the 341(a) hearing that they would be recommending
3 confirmation of her plan with a much higher payment than what was proposed. I
4 advised my client that she passed the Chapter 7 Means Test, and could therefore
5 convert her case to Chapter 7, receive a discharge, and re-file a Chapter 13
6 afterwards. Ms. Doublet followed my advice and things went according to plan
7 without any issues at all.
- 8 5. In the Chapter 13 case that was filed after the Chapter 7 case closed, the Trustee
9 again indicated that they would be recommending confirmation. In this instance,
10 the payment that the Trustee was recommending was significantly less due to the
11 Chapter 7 discharge.
- 12 6. In February of 2023, a few weeks before the scheduled Confirmation Hearing, the
13 Chapter 13 Trustee filed a motion to dismiss due to the Debtor falling behind by
14 one payment. I spoke with my client who informed me that her payroll
15 department paid her late, which caused her to make her Chapter 13 payment
16 accordingly late. She promptly remedied the delinquent payment and informed
17 me of such. On February 21, 2023, I reached out to Bridget Kelly from the
18 Chapter 13 Trustee's office to let her know that the payment had posted and
19 asked if they would be withdrawing the motion. She said that she would check
20 and get back to me later. Before the Trustee was able to withdraw the motion, the
21 Court entered an order dismissing the case.
- 22 7. Undeterred by this setback, we refiled her case approximately 2 weeks later. After
23 the 341(a) hearing, the Chapter 13 Trustee again indicated that they would be
24

1 recommending confirmation under payment terms that fit comfortably within
2 Ms. Doublet's budget.

3 8. In May of 2023, my client informed me that she was in an auto accident that
4 resulted in her car being totaled, and that she would need to finance a new
5 vehicle. I told her to shop around and get back to me with proposed loan terms.
6 After she was not having any success, we filed a Motion for Authority to Incur
7 Debt which requested a very general order in the hopes that a lender would
8 accept this. Shortly thereafter, the Court issued a Scheduling Order which
9 requested that the Debtor file a supplement with loan terms. The Scheduling
10 Order further indicated that the Court could not approve a loan that extended
11 beyond the 60th month of the Chapter 13 plan.

12 9. I relayed the contents of the Scheduling Order to my client and sent her off again
13 to see if she could obtain a loan that was less than 5 years. She went to Rock
14 Honda in Fontana and had someone in their finance department call me. I spoke
15 to this person who informed me that it would be next to impossible for Ms.
16 Doublet to obtain a loan prior to her confirmation hearing. He further indicated
17 that if Ms. Doublet were to apply for a loan, not only would it be rejected, but she
18 would also be locked out from reapplying for a period of at least 60 days.

19 10. On July 6, 2023, the Court held a hearing on the Motion to Incur Debt. I
20 informed the Court of what I had been told by the finance department. The Court
21 acknowledged these difficulties and seemed to indicate that the best course of
22 action would be to dismiss the case, purchase the vehicle, and then refile. The
23 Court stated:

24 "Well, I mean, another option is just to dismiss the case and she can refile."

1 “So, you know, you've got a couple of different options here. You can... I'll
2 dismiss the case if you want. And then, without a bar, she can refile...”

3 “You can request a dismissal. You've got all your options. Think about it.”

4 “Again, I think you could dismiss today, right, and go out and get the
5 financing and just refile.”

6 “Honestly, I mean, I'm not telling you what to do, but dismissal almost
7 sounds like the best option under these particular set of circumstances.”

8 “Think about it. I mean, you know how to get the case dismissed if that's
9 what you want.”

10 11. I relayed this information to my client. Accordingly, we filed a request for
11 voluntary dismissal which was granted on July 11, 2023. The same day, Ms.
12 Doublet was able to purchase a vehicle. If I had known that this dismissal would
13 raise any sort of a negative inference, I would have advised her to try and find a
14 reasonably safe junker and get past the confirmation hearing scheduled for 4
15 months later.

16 12. Shortly after Ms. Doublet purchased her new vehicle, we refiled. I had a software
17 issue that caused her case to be filed twice (this also occurred in another Chapter
18 13 case that I filed around the same time, Maximo Arturo Arriola, 6:23-bk-
19 14028-SY and 6:23-bk-14029-SY). The Court issued a Notice of Duplicate Case
20 which indicated that the present case number was to be used for all further
21 purposes. A true and correct copy of this is attached hereto as Exhibit A.

1 13. On May 9, 2024, I went on the Trustee's online account access and downloaded
2 the tables which are attached hereto as Exhibit B. This information was used to
3 prepare the tables that are included in the Debtor's declaration.

4 14. I have gotten to know Ms. Doublet fairly well over the years and she has always
5 struck me as an honest and determined person. I regularly hear from her when
6 she informs me on a monthly basis that she timely made her plan payment, and
7 on holidays when she checks in to wish me and my family well. Now so more than
8 ever, I wholeheartedly believe that she will be able to successfully complete her
9 Chapter 13 plan, and I do not have the slightest doubt that she is motivated to see
10 this through, regardless of whatever life has in store.

11 15. I declare under penalty of perjury under the laws of the United States that the
12 foregoing is true and correct.

13 Date: May 15, 2024

14 /s/Benjamin Heston
Benjamin Heston

EXHIBIT A

Form CACB 130 (ntdc)
(11/05)

**United States Bankruptcy Court
Central District of California**

3420 Twelfth Street, Riverside, CA 92501-3819

NOTICE OF DUPLICATE CASE

DEBTOR(S) INFORMATION:

Patricia Ann Doublet
SSN: xxx-xx-2961
EIN: N/A

4890 Huntsmen Pl
Fontana, CA 92336-0401

BANKRUPTCY NO. 6:23-bk-14083-WJ
CHAPTER 13

The above-captioned bankruptcy case was opened in duplicate on September 7, 2023. This case will be closed.

The correct case number is 6:23-bk-14082-WJ . Please use this case number for all further proceedings.

**KATHLEEN J. CAMPBELL
CLERK OF COURT**

**By: Sandra Mohammad
Deputy Clerk**

Dated: September 8, 2023

EXHIBIT B

PRINT INQUIRY

6:21-bk-10094-WJ	PATRICIA ANN DOUBLET (xxx-xx-2961)	FONTANA • CA • 92336	\$1,600.00 MO	Bar Date(s):	3/22/2021 (has passed) 7/12/2021 (has passed)
				Confirmed:	Not Confirmed
	Trustee: Rod Danielson	Attorney: HESTON & HESTON, ATTORNEYS AT LAW		Case Status:	CONVERTED TO CHAPTER 7 UNCONFIRMED (6/9/2021)

Debtor Pay Schedules

Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action
2/10/2021	end of plan	\$1,600.00	MONTHLY	PATRICIA ANN DOUBLET	1/28/2021	None

Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	2/2021	\$1,600.00	\$1,600.00		\$0.00
2	3/2021	\$1,600.00	\$3,915.00		(\$2,315.00)
3	4/2021	\$1,600.00	\$3,915.00		(\$4,630.00)
4	(Closed: 6/21) 5/2021	\$1,600.00	\$3,415.00		(\$6,445.00)

Total Delinquent Amount: (\$6,445.00)

FINANCIAL SUMMARY - CASE 21-10094

Date	Payee	Payee Name	Source / Check	Description	Receipts	Disbursements	Balance
5/11/2021				NATIONWIDE TFS RECEIPT	\$3,415.00		
4/12/2021				NATIONWIDE TFS RECEIPT	\$3,915.00		
3/11/2021				NATIONWIDE TFS RECEIPT	\$3,915.00		
2/18/2021				NATIONWIDE TFS RECEIPT	\$1,600.00		
				Totals:	\$12,845.00	\$0.00	

PRINT INQUIRY

6:22-bk-11243-WJ	PATRICIA ANN DOUBLET (xxx-xx-2961)	FONTANA • CA • 92336	\$4,541.00 MO	Bar Date(s):	6/13/2022 (has passed) 9/29/2022 (has passed)
				Confirmed:	Not Confirmed
	Trustee: Rod Danielson	Attorney: HESTON & HESTON, ATTORNEYS AT LAW		Case Status:	DISMISSED AFTER CONFIRMATION (2/23/2023)

Debtor Pay Schedules

Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action
5/2/2022	1.00	\$1,655.00	MONTHLY	PATRICIA ANN DOUBLET		None
6/2/2022	1.00	\$1,704.00	MONTHLY	PATRICIA ANN DOUBLET		None
7/2/2022	3.00	\$3,674.00	MONTHLY	PATRICIA ANN DOUBLET		None
10/2/2022	3.00	\$4,805.00	MONTHLY	PATRICIA ANN DOUBLET		None
1/2/2023	end of plan	\$4,541.00	MONTHLY	PATRICIA ANN DOUBLET		None

Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	5/2022	\$1,655.00	\$1,655.00		\$0.00
2	6/2022	\$1,704.00	\$1,704.00		\$0.00
3	7/2022	\$3,674.00	\$3,674.00		\$0.00
4	8/2022	\$3,674.00			\$3,674.00
5	9/2022	\$3,674.00	\$7,348.00		\$0.00
6	10/2022	\$4,805.00	\$4,000.00		\$805.00
7	11/2022	\$4,805.00	\$805.00		\$4,805.00
8	12/2022	\$4,805.00	\$4,805.00		\$4,805.00
9	1/2023	\$4,541.00	\$4,805.00		\$4,541.00
10	(Closed: 2/23) 2/2023	\$4,541.00	\$9,082.00		\$0.00

Total Delinquent Amount: \$0.00

FINANCIAL SUMMARY - CASE 22-11243

<u>Date</u>	<u>Payee</u>	<u>Payee Name</u>	<u>Source / Check</u>	<u>Description</u>	<u>Receipts</u>	<u>Disbursements</u>	<u>Balance</u>
2/21/2023				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$4,541.00		
2/3/2023				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$4,541.00		
1/4/2023				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$4,805.00		
12/5/2022				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$2,000.00		
12/5/2022				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$2,000.00		
12/5/2022				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$805.00		
11/3/2022				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$805.00		
10/6/2022				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$2,000.00		
10/6/2022				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$2,000.00		
9/7/2022				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$2,000.00		
9/7/2022				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$1,674.00		
9/1/2022				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$2,000.00		
9/1/2022				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$1,674.00		
7/6/2022				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$1,674.00		
7/6/2022				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$2,000.00		
6/6/2022				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$1,655.00		
6/6/2022				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$49.00		
5/19/2022				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$1,655.00		
				Totals:	\$37,878.00	\$0.00	

PRINT INQUIRY

6:23-bk-10896-WJ	PATRICIA ANN DOUBLET (xxx-xx-2961)	FONTANA • CA • 92336	\$3,814.00 MO	Bar Date(s):	5/17/2023 (has passed) 9/5/2023 (has passed)
				Confirmed:	Not Confirmed
	Trustee: Rod Danielson	Attorney: NEXUS BANKRUPTCY		Case Status:	DISMISSED BEFORE CONFIRMATION (7/11/2023)

Debtor Pay Schedules

Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action
4/8/2023	1.00	\$1,875.00	MONTHLY	PATRICIA ANN DOUBLET		None
5/8/2023	end of plan	\$3,814.00	MONTHLY	PATRICIA ANN DOUBLET		None

Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	4/2023	\$1,875.00	\$1,875.00		\$0.00
2	5/2023	\$3,814.00	\$3,814.00		\$0.00
3	6/2023	\$3,814.00	\$3,814.00		\$0.00
4	(Closed: 7/23) 7/2023	\$3,814.00	\$4,114.00		(\$300.00)

Total Delinquent Amount: (\$300.00)

FINANCIAL SUMMARY - CASE 23-10896

<u>Date</u>	<u>Payee</u>	<u>Payee Name</u>	<u>Source / Check</u>	<u>Description</u>	<u>Receipts</u>	<u>Disbursements</u>	<u>Balance</u>
7/7/2023				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$3,914.00		
7/7/2023				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$200.00		
6/7/2023				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$3,814.00		
5/9/2023				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$3,814.00		
4/12/2023				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$1,875.00		
				Totals:	\$13,617.00	\$0.00	

PRINT INQUIRY

6:23-bk-14082-WJ	PATRICIA ANN DOUBLET (xxx-xx-2961)	FONTANA • CA • 92336	\$4,524.00 MO	Bar Date(s):	11/16/2023 (has passed) 3/5/2024 (has passed)
				Confirmed:	Not Confirmed
	Trustee: Rod Danielson	Attorney: NEXUS BANKRUPTCY		Case Status:	ACTIVE

Debtor Pay Schedules

Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action
10/7/2023	1.00	\$2,060.00	MONTHLY	PATRICIA ANN DOUBLET		None
11/7/2023	3.00	\$3,955.00	MONTHLY	PATRICIA ANN DOUBLET		None
2/7/2024	end of plan	\$4,524.00	MONTHLY	PATRICIA ANN DOUBLET		None

Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	10/2023	\$2,060.00	\$2,060.00		\$0.00
2	11/2023	\$3,955.00	\$3,955.00		\$0.00
3	12/2023	\$3,955.00	\$3,955.00		\$0.00
4	1/2024	\$3,955.00	\$3,955.00		\$0.00
5	2/2024	\$4,524.00	\$4,524.00		\$0.00
6	3/2024	\$4,524.00	\$4,524.00		\$0.00
7	4/2024	\$4,524.00	\$4,524.00		\$0.00
8	5/2024	\$4,524.00	\$4,524.00		\$0.00

Total Delinquent Amount: \$0.00

FINANCIAL SUMMARY - CASE 23-14082

Date	Payee	Payee Name	Source / Check	Description	Receipts	Disbursements	Balance
10/5/2023				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$2,060.00		
11/8/2023				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$3,955.00		
12/1/2023				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$3,955.00		
1/3/2024				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$3,955.00		
2/1/2024				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$4,524.00		
3/1/2024				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$4,524.00		
4/1/2024				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$4,524.00		
5/1/2024				NATIONWIDE TFS RECEIPT - MONEYGRAM	\$4,524.00		
				Totals:	\$32,021.00	\$0.00	

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**3090 Bristol Street #400
Costa Mesa, CA 92626**

A true and correct copy of the foregoing document entitled (*specify*): **DECLARATION OF BENJAMIN HESTON IN SUPPORT OF CONFIRMATION OF CHAPTER 13 PLAN** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 5/15/2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Rod Danielson (TR) notice-efile@rodan13.com

Jason T Seals jason.seals@padgettlawgroup.com, bkecf@padgettlawgroup.com;jason.seals@ecf.courtdrive.com

United States Trustee (RS) ustpreion16.rs.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) 5/15/2024 I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Judge Wayne E. Johnson
3420 Twelfth Street
Suite 384 / Courtroom 304
Riverside, CA 92501-3819

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL

Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed (state method for each person or entity served):

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

5/15/2024
Date

Benjamin Heston
Printed Name

/s/Benjamin Heston
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.